

Exhibit E

Proposed Minute Order

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 6
Regulations for State
Administration of the National
Pollutant Discharge Elimination
System (NPDES)
Third-Party Rulemaking
Central Arkansas Water**

DOCKET NO. 08-003-R

MINUTE ORDER NO. 10-

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On February 8, 2008 Petitioner, Central Arkansas Water, filed its Petition to Initiate Third Party Rulemaking to amend Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES). The Petition has been designated as Docket No. 08-003-R.

By a Minute Order dated March 28, 2008, the Arkansas Pollution Control and Ecology Commission initiated the rulemaking proceeding in this docket. Pursuant to the procedural schedule set forth in the Minute Order, public hearings were held in North Little Rock and Perryville on May 27, 2008 and June 2, 2008, respectively. The public comment period expired at 4:30 p.m. on June 16, 2008. Also pursuant to the procedural schedule, the rulemaking was presented to the Public Health & Welfare Committee and the Administrative Rules & Regulations Subcommittee of the Legislative Council on October 27, 2009 and October 14, 2009, respectively.

On November 13, 2009, Petitioner, Central Arkansas Water, filed a Motion to Adopt Changes to Regulation No. 6. On May 10, 2010, Petitioner filed an Amended Motion to Adopt Changes to Regulation No. 6 including a Statement of Basis and Purpose and a proposed Final Revised Regulation.

Having considered the Petition, the Statement of Basis and Purpose, the Final Revised Regulation and the other pleadings, testimony, exhibits and evidence constituting the record in this docket, the Arkansas Pollution Control and Ecology Commission finds that Lake Maumelle is unique for the following reasons:

1. Extensive calibrated and verified water quality modeling of both the Lake Maumelle basin and the Lake itself support the need for prohibiting surface discharge of wastewater in the Lake Maumelle basin. This modeling demonstrates that at "build-out" Lake Maumelle will not meet the water quality targets for clean water if there are surface discharges of wastewater (other than discharges permitted under the NPDES stormwater discharge program), even with phosphorus limits of 1 part per million (ppm), the NPDES permit value typically required by ADEQ if phosphorus is a concern.

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2. Central Arkansas Water owns Lake Maumelle.
3. Lake Maumelle was built for the single purpose of a public water supply and is the primary source of drinking water for the largest metropolitan area in the state.
4. Pharmaceuticals are an emerging contaminant of concern regarding drinking water, and surface discharges of sanitary wastewater are the primary pathway these enter a water supply.
5. There are currently no surface discharges of wastewater in the Lake Maumelle basin. Further, there are no discharges of sanitary wastewater (a primary source of pharmaceuticals and endocrine disrupting compounds) in the basin and the Lake is free of pharmaceutical chemicals.
6. Lake Maumelle is highly susceptible to water quality deterioration due to its shallow, low alkalinity water.
7. Viable alternatives to surface discharge treatment plants exist; including septic tanks where the site is suitable, septic tanks with "cap and fill" or "mound systems" if the soil is a limiting factor; drip irrigation systems or pump and treat out of the basin.
8. The record in this rulemaking docket, including the specific findings set forth above, supports the conclusion that Lake Maumelle is uniquely susceptible to water quality deterioration from surface wastewater discharges and that surface wastewater discharges with the exception of permitted stormwater discharges should be prohibited in the Lake Maumelle basin.

Therefore, the Arkansas Pollution Control and Ecology Commission hereby adopts the changes to Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES), proposed by Petitioner, Central Arkansas Water, in this Docket No. 08-003-R.

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PROMULGATED THIS THE 27th DAY OF MAY, 2010 BY ORDER OF THE ARKANSAS
POLLUTION CONTROL AND ECOLOGY COMMISSION.

BY: _____
John Simpson, Chair

ATTEST: _____
Teresa Marks, Director

APPROVED: _____
Mike Beebe, Governor

COMMISSIONERS:

_____ D. Hendrix
_____ L. Bengal
_____ S. Henderson
_____ C. McGrew
_____ D. Samples
_____ J. Shannon
_____ J. Simpson

_____ J. Chamberlin
_____ L. Sickel
_____ W. Thompson
_____ J. Lowery
_____ B. White
_____ R. Young

_____ Submitted by: Ray F. Cox
Chair, J. Simpson

DATE PASSED: _____